

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Au et al.**

Serial No.: **09/859,705**

Filed: **May 17, 2001**

For: **Method and Apparatus For a
Distributed Web Commerce System**

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Group Art Unit: **3714**

Examiner: **Ronald Laneau**

Attorney Docket No.: **YOR920000770US1**

35526

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Appeal Brief was received by Applicant stating that “the appeal brief filed on date is considered non-compliant because “the brief does not contain a status of all claims...or does not identify the appealed claims”. A copy of the Notice of Non-Compliant Appeal Brief is attached hereto.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0510.

In response to the Notification of Non-Compliant Appeal Brief dated December 8, 2006, please reconsider the holding of non-compliance as follows:

REMARKS

In the Notification of Non-Compliant Appeal Brief, the Appeal Brief filed on October 25, 2006, was held defective because "the brief does not contain a status of all claims...or does not identify the appealed claims".

In order to address the Examiner's concerns, a Replacement Appeal Brief is submitted herewith. It is respectfully submitted that the Replacement Appeal Brief filed herewith is in compliance with 37 C.F.R. §41.37. Appellant respectfully requests that the Replacement Appeal Brief be entered.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Date: January 8, 2007

Respectfully submitted,

/Theodore D. Fay III/

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,705	05/17/2001	Michael Kai-Yin Au	YOR920000770US1	3974

35526

7590

12/08/2006

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

CLIENT DOCKET INFORMATION

Client Name: YOR920000770US1

File No. _____

DATE _____

ACTION DOCKETED

01/08/07 Response to Noticeof Non-ComplianceAppellate ReviewDocketed By MW Date 12/13/06Checked By AW Date 12/13/06Attorney Initials Y Date 12/13/06

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/859,705

Applicant(s)

AU ET AL.

Examiner

Ronald Laneau

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--


The Appeal Brief filed on 25 October 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The brief does not contain a statement to the status of all claims.


BRIDGET C. MONROE
PATENT APPEAL CENTER SPECIALIST